

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RANDY SPENCER

Plaintiff,

v.

MICHAEL J. ASTURE,
Commissioner of Social Security,

Defendant.

Civil Action No. 08-329 Erie

MEMORANDUM ORDER

Plaintiff's social security complaint was received by the Clerk of Court on November 26, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 25], filed on February 25, 2011, recommended that the Plaintiff's Motion for Summary Judgment [ECF No. 11] be denied and that the Defendant's Motion for Summary Judgment [ECF No. 16] be granted. The parties were allowed fourteen (14) days from the date of service to file objections. No objections were filed.

After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of March, 2011;

IT IS HEREBY ORDERED that the Plaintiff's Motion for Summary Judgment [ECF No. 11] is DENIED, and that the Defendant's Motion for Summary Judgment [ECF No. 16] is GRANTED.

The Report and Recommendation [ECF No. 25] of Magistrate Judge Baxter, filed on February 25, 2011, is adopted as the opinion of the Court.

IT IS HEREBY ORDERED THAT JUDGMENT is hereby entered in favor of Defendant, Michael J. Astrue, Commissioner of Social Security, and against Plaintiff, Randy Spencer.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge